

Episode 52

It was manifestly observed in conferences held in Arab countries that non-Arabs would be given very few opportunities to speak, and even if they were given an opportunity, they would seldom be listened to with attention. I also experienced this in my first one or two conferences, but then I complained about this to Shaykh Balkhouja (may Allah have mercy on him) and said: “Are non-Arabs not members of the Academy? Or do they not have a right to take part in the discussions just because they are not able to speak as fluently as the Arabs?” May Allah Most High shower His mercy upon Shaykh Balkhouja, for he was quite moved by these words, and from then on made it a habit to always consult me and ask my opinion in every matter. Subsequently, when I got the opportunity to talk on various issues more than once and my words were listened to with attention, the Arab/non-Arab distinction between my Arab colleagues and myself gradually faded away. The President of the Academy, Shaykh Bakr Abu Zaid, also became quite frank with me and we developed an open and friendly relationship. Until then, I was only aware that he was a Secretary in the Ministry of Justice of Saudi Arabia, who is known as “*Wakeel Al-Wizārah*” in Arab countries. He had also received the good fortune of being Imam in Masjid Nabawi for some time, and in the Academy, I had largely found him quite resolute in *fiqh*-related matters. He would often express his desire for separate meetings even after the Academy’s sessions and this lowly one would have open-hearted discussions with him on various topics. In one such meeting, he suddenly asked me: “Does Abdul Jabbar bin Wael have *simā’* from his father Hadhrat Wael bin Hijr (may Allah have mercy on him)?” I used to teach *Jāmi’ Tirmidhi* in Darul Uloom in those days so I remembered that Imam Tirmidhi (may Allah have mercy on him) has mentioned in *Kitāb al-Ḥudūd* that Abdul Jabbar bin Wael does not have *simā’* from his father, though his elder brother Alqamah bin Wael’s *simā’* from his father is proven. I thus gave him this reply with reference to Imam Tirmidhi. He was quite thankful at this, and due to this coincidental incident, he became exaggeratedly impressed with my knowledge of Hadith. And he also acquired ijaza of hadith from me.

The Academy comprised of members nominated by various governments. I was thus apprehensive that in the present-day Western-influenced times, they might perhaps try to use

the Academy's platform to promote a Western-influenced interpretation of Islam. However, by the grace and favour of Allah Most High, such an atmosphere came to develop in the Academy's sessions that those who influenced the discussions the most through the strength of their evidences were those who believed in the correct and inherited interpretation of Islam without being affected by any external influences. Shaykh Bakr Abu Zaid (may Allah have mercy on him) played a major role in this. Besides him, Tunisia's Mufti Shaykh Muhammad al-Mukhtar Al-Salami, the famous Syrian jurist Shaykh Wahba Zuhayli, Sudan's Shaykh Siddiq al-Dharir, our Syrian friend Shaykh Abdul Sattar Abu Ghuddah, Jordan's Dr Abdul Salam Abbadi, Shaykh Abdul Latif Farfour, Shaykh Sulaiman Al-Ashqar, Iraq's Shaykh Ibrahim Fadil al-Dibbo, Kurdistan's Ali Mohiuddin al-Qaradaghi, Oman's Shaykh Ibrahim al-Khalili, and Shaykh Abdul Rahman al-Bassam of the Muslim World League's Fiqh Academy are especially worthy of mention. Besides them, the famous author on Islamic Fiqh Shaykh Mustafa al-Zarqa (may Allah have mercy on him) and Egypt's Shaykh Yusuf al-Qaradawi (may Allah preserve him) also held an influential status in the Academy, though a majority of us would respectfully disagree with them on certain issues. For years upon years, I would write at least one essay on a Fiqh-related topic for every conference of the Academy. Initially, the process followed was that each author would present a summary of his essay. Afterwards, if several individuals had written articles on the same topic, in order to avoid repetition, one of them would be selected by the Academy's Secretariat to present a summary of all the essays and the opinions presented in them. He was given the title of "*Āriḍ*". I also happened to render services as an "*Āriḍ*" in some meetings. After presentation of the summary, a detailed debate on the topic would ensue, which was called "*Munāqashah*". I had to express my view on almost all topics in this "*Munāqashah*" as well. It is a special feature of the Academy that all essays presented in it as well as the detailed debates on them are recorded word-for-word, and these are later published in the Academy's Journal word-for-word as well, through which the reader can get to know all the opinions on the topic as well as their evidences. In this manner, more than fifty volumes of the Academy's journals have been published so far, which are a valuable treasure of jurisprudential knowledge. After the "*Munāqashah*", a "*Lajnah al-Ṣiyāghah*" (Drafting Committee) would be formed which would comprise of representatives holding diverse opinions on the topic. This committee would sit together and prepare the draft

of the Academy's resolution. Thereafter this draft would be presented in the Academy's meeting and another debate would take place on it, after which a resolution would be passed, either unanimously or based on majority opinion. Usually, my name would invariably be put in the "*Lajnah al-Şiyāghah*", and in this way we would have a double-responsibility; we would participate in the general conference of the Academy, which would extend from 9am until *zuhr* and thereafter from *asr* until 9pm, and on top of this the meetings of the "*Lajnah al-Şiyāghah*" would continue sometimes after *fajr*, sometimes after *zuhr* and at times after 10pm, and thus the entire week would be very busy.

These meetings would sometimes take place in Makkah Mukarramah, sometimes in Jeddah, Kuwait, Jordan, Bahrain, Abu Dhabi, Dubai, Qatar or Sharjah, and sometimes in Kuala Lumpur or Brunei.

In accordance with the Academy's structure, three Vice Chairmen would be appointed besides the Chairman, and I was appointed as a Vice Chairman at some point and served in this capacity for nine years. Besides myself, Tunisia's Shaykh Mukhtar al-Salami and Jordan's Dr Abdul Salam Abbadi were also Vice Chairmen. However, the Vice Chairmen did not have any significant responsibilities besides one of them having to preside over the Academy's conference in case the Chairman was absent. It so happened that Dr Bakr Abu Zaid, who was the Academy's Chairman, would always be present in the Academy's meetings without fail. Therefore, there was no instance of any Vice Chairman having to take up this responsibility. It was only one time, when the Academy's conference was taking place in Brunei, that Shaykh Bakr Abu Zaid said to me: "I need to return to Saudi Arabia for some work, so I wish for you to preside over the Academy's conference during my absence". I replied: "Shaykh Mukhtar al-Salami is superior to me in age, knowledge and everything, so you could appoint him as your deputy in your absence." However, he insisted: "Before leaving, I will announce you as the Chairman during my absence". But then Allah Most High resolved the matter for which he had to leave and he eventually remained in Brunei until the end. I was thus spared the trial.

This much was clear to me that Shaykh Bakr Abu Zaid adhered to the Salafi school of thought, but due to the great love and respect with which he would meet me, I never imagined he could

be bigoted in his adherence to this school of thought. It was several years later that someone showed me his book "*Taḥrīf al-Nuṣūṣ*", and my disappointment knew no bounds when I saw that he had levelled the unfounded accusation against Hadhrat Shaykh al-Hind (may Allah have mercy on him) that he had perpetrated *taḥrīf* (alteration) in a verse of the Noble Quran (we seek Allah's refuge) in his book "*Īdāḥ al-Adillah*", and he used quite strong words while mentioning this. I was in Karachi when I received this book. I immediately wrote a letter to Shaykh Bakr Abu Zaid and alerted him to his grave mistake. After a few days, I received his phone call and he said: "I have made changes for the new edition of the book and have also included your letter in it." (Though when the new edition of the book was released, while the strong words were omitted and my letter was also included, no significant change was seen which would indicate the omission of Hadhrat's name from the list of "*taḥrīf*" (alterations)).

I was severely grieved later on as well when I learned that while rebutting a book of Hadhrat Shaykh Abdul Fattah Abu Ghuddah (may Allah have mercy on him), he had used inappropriate words for him as well. My meetings with him were usually related to issues discussed in the Academy, and with respect to jurisprudential issues, our opinions would often match in response to West-inspired thoughts. We thus did not have discussions about Salafism and related topics. And if ever we happened to converse about this topic, he would listen to my words with an open heart. I thus could not know about his bigoted books, until one day while talking to a *Muhaqqiq* scholar of Syria Shaykh Muhammad Awwamah (may his shade be extended), when mention came that he was the Chairman of the Academy, he used quite strong words for him, and it was then that I came to know of this aspect of him.

Hadhrat Shaykh Abdul Fattah Abu Ghuddah (may Allah have mercy on him) had personally attended a conference of the Academy and quietly sat behind my seat. I was explaining an opinion of Hadhrat Imam Abu Yusuf (may Allah have mercy on him) regarding a certain issue. When I looked behind later, I saw him seated. I stood up to meet him and he bestowed words of encouragement at my words. Thereafter he listened to the proceedings for quite some time. This entire conference was taking place under the Chairmanship of Shaykh Bakr Abu Zaid (may Allah have mercy on him). However, he did not as much as hint anything about him at that time.

Later I came to know that someone had told Hadhrat that Taqi had become quite inspired by Shaykh Bakr Abu Zaid, and that this caused some displeasure in Hadhrat's heart. It perturbed me to imagine that such a great elder of mine harboured displeasure towards me in his blessed heart. When I received this news, I immediately wrote a long letter to Hadhrat in which I stated that my relationship with Shaykh Bakr Abu Zaid was limited to the Islamic Fiqh Academy, and since we remained united in opposing Westernism, we also had mutual meetings on this topic only and did not have any discussions on his Salafi school of thought, and if ever we had conversations around this topic, he accepted my words.

Alhamdulillah! What Hadhrat wrote in his reply to that letter not only relieved my worry, rather the following words infused an indescribable serenity into me:

"وفي الختام أتم مني وأنا منكم من قبل ومن بعد وأستغفر الله لي ولكم وأرجو لكم كل خير وأرجو من الله أن يديم أخوتنا صافية وافية وتقبلوا أطيب تحياتي لكم وللأخ الجليل."

"And the last thing is that you are mine and I am yours from before as well as after, forever, and I seek Allah's forgiveness for myself and yourself, and hope from Allah that our brotherhood shall remain untainted and eternal. And please accept my best greetings for you and your honourable elder brother (Hadhrat Maulana Mufti Muhammad Rafi Usmani (may his shade be extended))."

I had noticed in the meetings of the Islamic Fiqh Academy that representation of scholars of the subcontinent was close to non-existent, for nobody was invited from this region besides myself. I therefore talked to the Secretary-General of the Academy Shaykh Habib Balkhouja (may Allah have mercy on him) about this, at which he said: "You can send me the CV of the scholars of the subcontinent you wish to invite. InshaAllah they could be invited from time to time." To this end, within a few days of my becoming a member of the Academy, I wrote a letter to the eminent scholars of Pakistan and India, requesting them to send their CVs so that I could send it to the Academy's Secretariat. However, very few scholars replied to this letter. Eventually, from Pakistan only my elder brother Hadhrat Mufti Muhammad Rafi Usmani (may his shade be extended) and from India Hadhrat Maulana Mujahidul Islam Qasimi (may Allah have mercy on

him) and Maulana Badrul Hasan Qasimi (may his honour continue to increase) received invitations, and they participated as “*Khabīr*” in many meetings of the Academy.

Especially the scholars of Pakistan were perhaps under the impression that this was a governmental institute with Arab scholars having dominant influence over it, and with respect to Arab scholars (probably due to their appearance and dressing) it was presumed that they would be lax with respect to jurisprudential issues, due to which they did not hope to derive much benefit from the Academy. When I wrote letters to Pakistani scholars, one elder explicitly mentioned this reason for not participating in the Academy’s meetings. As I have written above, initially I was myself apprehensive of this, but I also felt that if we were to actively participate in the Academy, we could influence its views and at the very least could present our point of view, with evidences, on a global level. And the truth of the matter is that after taking an active part in the Academy’s meetings, my negative impression largely disappeared. After working with them closely, I realized that while their views with respect to appearance and dressing were certainly different from the scholars of the subcontinent, for which they have some reasons as well, be they correct or incorrect, I noticed that especially with respect to contemporary economic issues, they were quite cautious. This was something quite different from the impression of Arab scholars that we had formed from afar. Furthermore, I also gained a first-hand experience of the vastness of their knowledge. A review of the resolutions (Fatwas) passed by the Academy makes it very clear that they fully adhere to caution. Scholars certainly have a complete right to disagree with some of the verdicts of the Academy, but this difference of opinion is similar to those that Muftis have always had in their Fatwas, none of which can be declared as invalid or misguided. I have been asked numerous times in radio and newspaper interviews in Arab countries as well as Pakistan: Can the Fatwas of the Academy be declared as *ijmā’*? I have given the same reply each time that as long as there are Muftis in the Islamic world who are not present in the Academy’s meetings in which the verdicts are discussed, the Fatwas of the Academy can never be considered *ijmā’*. Nonetheless, the Fatwas that filter out from the Academy are a result of open and serious discussions and deliberations over evidences by the Academy’s scholars during its meetings, despite their differences of opinion. These Fatwas are thus certainly quite weighty, and there is no logical reason for other scholars to take them lightly. And when the organization’s work will

gradually progress, upon the same methodology as currently followed, its influence will spread over the entire Muslim world InshaAllah, and it will be difficult to turn away from it without very strong evidences. All the jurisprudential verdicts of the Academy would be openly debated over, and there were even heated arguments once or twice, but Alhamdulillah this never led to factioning or bitterness among the participants, and even if it temporarily did, it was only during the session. Overall, all members were on friendly terms, and it never occurred that one person completely ignored another's opinion considering it to be unworthy of consideration. Despite epic disagreements during the sessions, when we would meet over a meal or in private, instead of resentment, the meetings would be full of frankness and respect. Rather, an onlooker would not be able to tell that these two individuals are opponents in terms of jurisprudential views. In this manner, eminent scholars from the Muslim world would, for the first time in such large numbers, participate in candid and close-knit debates, but at the same time would not declare any opposing views as outright invalid. And in this manner, I formed frank and brotherly relations with all of them. Thereafter when the resolutions would reach their final form in the final session, Bakr Abu Zaid's methodology was to put off those resolutions to the next session about which some point was not entirely satisfactory, and quite a long list of such issues had formed about which further deliberation was requested. Later, debate would renew on those issues after gathering further information and conducting more research on them.

The Academy's proceedings were recorded word-by-word, i.e. not only were the resolutions documented but rather every spontaneously presented opinion voiced by anyone was also recorded word for word in the Journal, with a single Journal consisting of numerous volumes. Currently, they comprise of fifty volumes. After publication, people of knowledge eagerly acquire them, and I have noticed that scholars or students of knowledge who possess a taste for fiqh regard these Journals as a precious treasure and cite them in their writings. And now, the Academy has acquired more global prestige than any other jurisprudential body.

For some issues, instead of presenting individual arguments it was felt more appropriate to call a smaller gathering called "*nadwa*" (seminar) in which introductory work was done and presented to the Academy. Such kind of seminars would take place several times in a year in

various countries, and I would participate in most of them. And if I could not participate in a seminar due to some reason, the heads of the Academy, especially Shaykh Habib Balkhouja (may Allah have mercy on him), would complain my absence. I would try to play an active role in these smaller gatherings as well, and as a result was blessed with repeated visits to the Haramain Shareefain.

One time, a similar kind of *nadwa* (seminar) was organized in Rabat through a cooperation of *Majma' al-Fiqh al-Islami* (Islamic Fiqh Academy), *Ma'had al-Buḥūth Wa al-Tadrīb* (IRTI) Jeddah, and Morocco's Ministry of Awqaf. The topic was "*Al-Awrāq Al-Māliyyah*", i.e. Financial Papers. In contemporary times, various documents are used as instruments for *qard* (loan) and *dayn* (debt), such as bonds, bills of exchange, etc. The objective of this seminar was to elucidate upon the Shariah rulings related to their use and exchange, and in case these were found to be impermissible from Shariah point of view, to consider alternative financial papers which would be permissible to exchange or sell. This three-day seminar was to be convened in Morocco's capital city Rabat. To participate in it, I reached Rabat a night before, after a stopover in Paris. On behalf of the Ministry of Awqaf, the seminar was convened in the biggest hotel in the city. This was a time when voices were being raised in various parts of the Islamic world that commercial interest is not included in the ruling of "*riba*" that the Noble Quran has declared to be *harām* (impermissible). Though the Islamic Fiqh Academy had already unanimously rejected this view, voices from a few individuals were again heard in support of this opinion during this seminar. While a majority of the participants held the same view as had already been declared by the Academy, heated debates and arguments on this topic stretched over two full days, such that after checking into the hotel, we did not get a chance to come out.

Finally on the third day, when it was time to draft the resolutions as a conclusion of the seminar, we were confronted with a very distressing situation. As I have mentioned before, this seminar was hosted by Morocco's Ministry of Awqaf and Religious Affairs and had been much publicized as well, so-much-so that this seminar was repeatedly headlined in the media as a great feat of the Ministry. When we gathered to draft the resolutions, it was clear that with respect to interest-based financial papers, the seminar's verdict that was going to be published was that they were

impermissible. Thereafter the rulings related to exchange, etc. of these documents would be elucidated, and finally some proposal related to their Shariah-compliant alternatives would be presented. However, while we were in the process of preparing the draft of the results of the seminar, we were told that a delegation of the Ministry wanted to meet us and was waiting for members of the *Lajnah al-Şiyāgha* (Drafting Committee) in the adjacent room. We presumed it to be a goodwill meeting and proceeded to the delegation, who, from their appearance, looked like representatives of mosques. They greeted us with very warm and welcoming words and then began conversing about various side-topics. Then one of their representatives asked: “What are you writing in the resolution?” We briefly described our intention. At this, the words that came from their mouths left us in such amazement as knew no bounds. They said: “By all means proceed to declare “*riba*” to be impermissible but do not explicitly declare interest-based bonds, bills of exchange, etc. as impermissible.” We tried to explain to them that this would render the entire seminar meaningless, and the topics for which scholars from all over the world had come together to deliberate, the outcome of that research would end up not being released to the people. We also argued that this gathering was, in fact, a meeting of the Academy, and so we had to write the resolution that was decided by all of its members and representatives, as well as members of the *Ma’had al-Buḥūth*, and a large majority of those who presented their essays on this topic. However, they remained insistent: “Our request to you is: while you are here, please do not issue a Fatwa of the impermissibility of interest-based financial papers, rather use general words in the Fatwa.” We tried to negotiate with them for a long time and eventually realized that the government did not wish for any such announcement to be made from this seminar.

Due to this regrettable situation, Shaykh Habib Balkhouja (may Allah have mercy on him) called a meeting of a few members of the Academy and the *Ma’had*, where we protested: “If they did not wish for such a verdict to be issued, why did they convene the seminar in the first place?” At this, Shaykh Balkhouja said: “It is not appropriate to lengthen this matter any further. We should not put the members of the Ministry in any trouble. Nonetheless, we shall not back away from our resolutions and shall announce the results of the seminar at our headquarters in Jeddah instead of here.” Willingly or unwillingly, all participants agreed to this proposal. The seminar formally ended without the issuance of any resolutions, and thereafter Shaykh Balkhouja

travelled to Jeddah and announced them there. (Since Spain was nearby, I travelled there, and my travelogue of that visit has already been published).

It can be imagined from this incident how difficult it was to raise any voice against an interest-based system in those days, even in Muslim countries. However, Alhamdulillah the situation improved over time, and the same Morocco where we could not announce the impermissibility of interest-based financial papers is now seeing the introduction of interest-free banks by the name of "*Al-Maṣārif al-Tashārukiyyah*". And about two years ago, I was invited to deliver a lecture on Islamic Finance in front of a packed audience in a hall of the Al-Qarawiyyin University in the same Morocco, and I delivered about an hour-long speech against the interest-based system of economy amidst an echoing ovation. And now we are being invited again to introduce interest-free system of economy there. All praise is to Allah for this.